

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Alan D. Ford et al.	Art Unit :	2125
Serial No. :	09/877,404	Examiner :	Ryan A. Jarrett
Filed :	June 8, 2001	Conf. No. :	8082
Title :	AN INFUSION PUMP WITH AN ELECTRONICALLY LOADABLE DRUG LIBRARY AND A USER INTERFACE FOR LOADING THE LIBRARY		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM OF PRIORITY (37 CFR 1.78(3))

Applicant resubmits a petition that the priority claim for the present application be corrected as set forth in the attached preliminary amendment.

The declaration correctly claims priority to an original application filed on October 15, 1992.

In a preliminary amendment filed concurrently with the application, Applicant amended the specification to recite the reference required by Rule 1.78(2)(i).

The reference recited a chain of priority that named only the '907 application and the '828 application. Applicant assumed that since the '828 application was a file wrapper continuation of the '527 application, the reference to the '828 application would serve to reference the '527 application.

Applicant has since determined that although a file wrapper continuation and its modern incarnation, the RCE, are functionally equivalent, and although an RCE need not be recited in the reference required by Rule 78, Rule 78 appears to contemplate no distinction between a file wrapper continuation and a regular continuation. Applicant now concludes that it is in fact necessary to correct the reference.

Applicant submitted the original petition and an accompanying amendment on June 21, 2006. The petition was denied because the "Related Application" section omitted the series

Applicant : Alan D. Ford et al.
Serial No. : 09/877,404
Filed : June 8, 2001
Page : 2 of 2

Attorney's Docket No.: 00786-157003 / MGH-0657.3
Sims Div.

associated with the serial number of an application in the chain of priority, and because the "Related Applications" paragraph included an improper incorporation by reference.

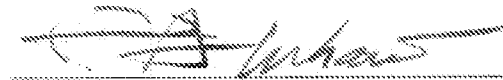
Applicant encloses an amendment having a new "Related applications" paragraph and requests that the petition now be granted.

The delay between when the reference was due on October 8, 2001 and the filing of the petition on June 21, 2006 was thus unintentional.

An authorization to charge the \$1370 surcharge fee set forth in rule 1.17(f) was provided in the initial submission of this petition on June 21, 2006. No fees are believed to be due at this time. However, to the extent fees are due, please adjust our deposit account 06-1050, referencing Attorney Docket No. 09651-003007.

Respectfully submitted,

Date: Feb 23, 2007



Faustino A. Lichauco
Reg. No. 41,942

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906